

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:17CR132
vs.)
KAYVON BERRY-SMITH,) ORDER
Defendant.)

This matter is before the court on defendant's unopposed Motion to Continue Trial [46]. Counsel requests additional time to conclude plea negotiations. Defendant shall comply with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the Motion to Continue Trial [46] is granted as follows:

1. The jury trial now set for November 27, 2016, is continued to **December 26, 2017**.
2. The defendant shall file the affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and December 26, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED November 20, 2017.

BY THE COURT:

**s/ Susan M. Bazis
United States Magistrate Judge**